

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILBERT J. ODEN, ) No. C 05-0183 JSW (PR)  
Plaintiff, )  
v. )  
A. A. LAMARQUE and APPEALS )  
COORDINATOR RUISI, )  
Defendants. )  
-----)  
**ORDER DIRECTING THE  
CLERK OF THE COURT TO  
SERVE DEFENDANTS WITH  
A COPY OF DOCKET #11,  
DENYING PLAINTIFF'S  
MOTION FOR EXTENSION  
OF TIME AS MOOT, AND  
SETTING REPLY DATE**  
**(Docket no. 15)**

Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison, filed this civil rights action pursuant to 42 U.S.C. § 1983. The Court issued an order of service on March 14, 2005 (docket no. 4). Defendants filed a motion to dismiss on July 12, 2005 (docket no. 10). On July 19, 2005, Plaintiff filed an opposition to the motion to dismiss, and requested that the Court make copies of the opposition and mail a copy to Defendants. In an order dated October 24, 2005, the Court denied Plaintiff's request but granted Plaintiff an additional thirty days to serve Defendants with the opposition. The Court directed the Clerk of the Court to provide Plaintiff with a conformed copy of his Declaration to the Court and Opposition to Defendants' Notice of Motion and Motion to Dismiss, filed July 19, 2005 (docket no. 11) so that he could serve Defendants. The Court also directed the Clerk of the Court to provide Plaintiff with a "Request for Photocopies" form.

On November 22, 2005, Plaintiff filed a motion requesting an extension of time to

1 serve his opposition on Defendants because he states that on October 26, 2005, he  
2 received from the Clerk of the Court an envelope which did not contain his opposition,  
3 and contained only the "Request for Photocopies" form, which he filled out and returned.  
4 However, Plaintiff states that he has not received a conformed copy of his opposition.  
5 Plaintiff therefore asks that the Clerk of the Court be directed to send a copy of the  
6 opposition to him and that he be granted an extension of time to serve Defendants with  
7 the opposition.

8 Because Defendants' motion to dismiss has been pending for several months and  
9 Plaintiff filed his opposition thereto in a timely manner and has attempted in good faith  
10 to comply with the Court's order requiring him to serve Defendants with his opposition,  
11 the Court finds that good cause exists for the Clerk of the Court to serve Defendants with  
12 a copy of Plaintiff's opposition in order to expedite these proceedings.

13 The Court therefore orders as follows:

14 The Clerk of the Court shall serve Defendants' counsel with a copy of Plaintiff's  
15 Declaration to the Court and Opposition to Defendants' Notice of Motion and Motion to  
16 Dismiss, which is filed as docket #11. The Clerk of the Court shall also send a copy of  
17 docket #11 to Plaintiff. Defendants shall file any reply to Plaintiff's opposition on or by  
18 **February 3, 2006.** The motion will be deemed submitted on the date the reply is due.  
19 No further extensions of time will be granted absent exceptional circumstances.

20 Plaintiff's motion for an extension of time is DENIED as moot. (Docket no. 15.)

21 IT IS SO ORDERED.

22 DATED: January 18, 2006

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JEFFREY S. WHITE  
25 United States District Judge  
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